

office of the
independent
adjudicator

Mr Kevin Galalae
258 Bicknell Cr.
Kingston
Ontario
K7M 4T6
CANADA

By courier

13 September 2010

Dear Mr Galalae

Ref: OIA/09223/10

Your complaint against University of Leicester

Formal Decision Letter

On 26 July 2010 Fiona Draper of this office advised you that her preliminary decision was that your complaint was not justified. Ms Draper drew your attention to rule 6.9.1 of the OIA Scheme, which says:

*The Reviewer may terminate or suspend consideration of a complaint, as he or she considers appropriate, if it appears to the Reviewer that,
6.9.1 the HEI has satisfactorily dealt with the complaint.*

I am in receipt of your letter of 15 August. I note the caveat to your letter. However, Ms Draper has already provided you with assurances about the independence of this office, and I do not propose to comment further on this point.

Having reviewed the file I do not consider that we are in a position to review your complaint any further. This is because:

- I agree with Ms Draper's conclusion that points d, e, g, h, i and j of your complaint are not eligible for consideration under the rules of the OIA Scheme as they have not exhausted the University's internal procedures.
- While you say you did not withdraw voluntarily from your programme of study, the University did not require you to withdraw, and it was your decision to do so. Your complaints to the University

'for students in higher education'

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at the time of your withdrawal make it clear that it was your purpose to obtain a full refund of your fees. The University provided you with the remedy you sought.

- We have acknowledged that the University appears to have deviated from its Student Complaints Procedure in its consideration of your complaint. However, I am satisfied that its response to your complaint was proportionate and provided you with the remedy you were seeking. I am not persuaded that, having been awarded a full refund of fees, you were materially disadvantaged by the University's bringing a matter to a close without further investigation. Nor am I persuaded that a further investigation by the University would have satisfied or resolved the wide-ranging concerns which you have expressed in your complaint.

In all the circumstances, for the reasons set out in this letter and Fiona Draper's letter of 26 July, I agree with Ms Draper's conclusion that, based on the information you have submitted, your complaint is not justified. I have also concluded that it is appropriate for the OIA to terminate its consideration of your complaint under rule 6.9.1.

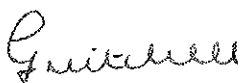
In your letter of 15 August you mention the possibility of raising your concerns at another forum. You should be aware that matters relating to the Data Protection Act may be referred to the Information Commissioner. In some circumstances surveillance matters may be referred to the Investigatory Powers Tribunal (www.ipt-uk.com) and information can also be obtained from the Office of Surveillance Commissioners (www.surveillancecommissioners.gov.uk). However, in your letter you have described the personal toll you have suffered as a result of pursuing this matter. I hope that you will be able to accept our decision and put this matter behind you for the sake of your health and family relationships.

Finally, you forwarded your Canadian passport to us with your letter of 15 August, as you wished to return it to the Queen. I am afraid that this is not a matter we can deal with. I am therefore returning your passport to you with this letter.

This brings the OIA's involvement in your complaint to an end. I am sorry that my letter will be disappointing to you.

I am copying this letter to the University.

Yours sincerely



Felicity Mitchell
Deputy Adjudicator

On behalf of The Office of the Independent Adjudicator for Higher Education